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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,720	12/29/2000	John S. Rhoades	99-039-TAP	9219
7590	04/03/2006		EXAMINER	
Wayne P. Bailey Storage Technology Corporation One StorageTek Drive Louisville, CO 80028-4309			COLIN, CARL G	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/751,720	Applicant(s) RHOADES, JOHN S.	
	Examiner Carl Colin	Art Unit 2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-30.
Claim(s) withdrawn from consideration: _____.


AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: (see note below).
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Applicant's response has not provided enough evidence regarding the 112 rejection in the last Office action. Applicant reply stating that the Examiner states that the specification does not disclose first and second servers or distinct data and control paths is not accurate. Many specific limitations were addressed by the Examiner in the 112 rejection of the claims that Applicant fail to reply to. Therefore, the claims as amended still contain new matter, which have not been overcome by Applicant's response. Applicant has amended the claim which now recite wherein the second automated data storage system comprises a second robotic mechanism for transporting data storage units contained in the second automated data storage system, which is not explicitly disclose in the specification and recite where the data storage units contained in the second automated data storage system are not allowed to be transported to the first automated storage system, which is neither explicitly disclose in the specification as claimed. The claims as amended will not be entered because they require further search and/or consideration and they raise the issue of new matter. With respect to Applicant's argument of the final rejection being premature, the rejection was made final as necessitated by Applicant's amendment, where applicant also clearly explains that the security protection claimed implies prevention of data flow from higher security level to lower security level. The claimed features relied by Applicant were not cited in the claimed invention nor in claim 30 and the independent claims were amended to clearly disclose a security feature of storage system being classified or unclassified. With regard to claim 30, applicant argues that the reference discloses that the data cartridge can be returned to its home position, Examiner recognizes that in columns 16-17 the reference discloses an embodiment explaining that data cartridge when blocked in-transit from reaching its final destination for reason such as equipment failure may be returned to its home position, however, the reference does not disclose that the data cartridge is returned from the second data storage device to the first data storage device. Therefore, the citation relying by applicant does not prove otherwise that the data cartridge does not disclose protecting against transporting from the second data storage device to the first data storage device. The Office action shows that movement of operation in predefined path is disclosed by the reference to control the movement of transport from the first to the second storage device. For at least the reasons cited above and in the last Office action, the request for reconsideration has been considered but does not place the application in condition for allowance.


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